

**REMARKS**

This Amendment and Response to Non-Final Office Action is being submitted in response to the non-final Office Action mailed May 20, 2005. Claims 1-35 are pending in the Application. Claims 1-35 stand rejected. Specifically, Claims 1-35 stand rejected under 35 U.S.C. 102(f) because the Applicants did not invent the claimed subject matter. Claims 1-35 stand rejected under 35 U.S.C. 102(e) as being anticipated by Zadikian et al. (U.S. Patent No. 6,724,757). Claims 1-3, 8, 9, 10-12, 13, 15, 17-23, 25, 30, 31, and 33-35 stand rejected under 35 U.S.C. 102(e) as being anticipated by Christensen et al. (U.S. Patent No. 6,591,374). Finally, Claims 1-34 stand rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson et al. (U.S. Patent Application Publication No. 2002/0059424).

In response to these rejections, Claims 1, 16, 17, 19, 23, 28, and 30 have been amended to further clarify the subject matter which Applicants regard as the present invention. Claims 15, 21, 29, and 31 have been canceled. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments, reconsideration of the Application is respectfully requested in view of the following remarks.

**Rejection of Claims 1-35 Under 35 U.S.C. 102(f):**

Claims 1-35 stand rejected under 35 U.S.C. 102(f) because the Applicants did not invent the claimed subject matter.

In response to this rejection, Applicants abandon, without prejudice or disclaimer to continued examination on the merits, their argument that the present Application is a continuation-in-part of abandoned U.S. Patent Application No. 09/663,947, entitled "Network Management System Including Custom Object Collections," and filed

September 18, 2000, thus predating Ferguson et al., filed April 24, 2001, and claiming priority to U.S. Provisional Patent Application No. 60/235,281, filed September 25, 2000. As Examiner indicates, abandoned U.S. Patent Application No. 09/663,947 lists John Wagner, Kevin Snow, and Darryl Black as inventors, while the present Application lists Peter Everdell, Chris Noel, Brian Branscomb, and Nicholas Langrind as inventors. Should Examiner so desire, Applicants will delete the claim of priority as a continuation-in-part of the present Application to abandoned U.S. Patent Application No. 09/663,947.

Therefore, Applicants submit that the rejection of Claims 1-35 under 35 U.S.C. 102(f) because the Applicants did not invent the claimed subject matter has now been overcome and respectfully request that this rejection be withdrawn. Applicants also respectfully request that Examiner note that abandoned U.S. Patent Application No. 09/663,947 and the present Application are now commonly assigned to CIENA Corporation.

**Rejection of Claims 1-35 Under 35 U.S.C. 102(e) – Zadikian et al.:**

Claims 1-35 stand rejected under 35 U.S.C. 102(e) as being anticipated by Zadikian et al. (U.S. Patent No. 6,724,757).

While Examiner has rejected Claims 1-35 of the present Application as being anticipated by Zadikian et al., Applicants note that Examiner has not referred to Zadikian et al. as disclosing a telecommunications network device wherein the control path is independent from the data path, and wherein separate control path resources are dedicated to each of the plurality of distributed processors. These features were originally found in dependent Claim 15 of the Application as filed, and on page 4, paragraph 3, of the Application as filed, and have now been incorporated into the independent claims. Advantageously, dedicating resources insures that each processor has sufficient bandwidth on the control plane to transmit control information at high

frequencies. This prevents the starvation of data transmissions during periods of high control information transfers and also reduces the likelihood of further spreading of control information storms when one or more network devices in a network experience a failure (see page 4, paragraph 3).

Because Zadikian et al. do not disclose a network device as recited in amended independent claims 1, 13, 17, 19, 23, 28, 30, and 35, Applicants submit that the rejection of Claims 1-35 under 35 U.S.C. 102(e) as being anticipated by Zadikian et al. has now been overcome and respectfully request that this rejection be withdrawn.

**Rejection of Claims 1-3, 8, 9, 10-12, 13, 15, 17-23, 25, 30, 31, and 33-35 Under 35 U.S.C. 102(e) – Christensen et al.:**

Claims 1-3, 8, 9, 10-12, 13, 15, 17-23, 25, 30, 31, and 33-35 stand rejected under 35 U.S.C. 102(e) as being anticipated by Christensen et al. (U.S. Patent No. 6,591,374).

While Examiner has rejected Claims 1-3, 8, 9, 10-12, 13, 15, 17-23, 25, 30, 31, and 33-35 as being anticipated by Christensen et al., Applicants note that Examiner has not referred to Christensen et al. as disclosing a telecommunications network device wherein the control path is independent from the data path, and wherein separate control path resources are dedicated to each of the plurality of distributed processors. Again, these features were originally found in dependent Claim 15 of the Application as filed, and on page 4, paragraph 3, of the Application as filed, and have now been incorporated into the independent claims. Advantageously, dedicating resources insures that each processor has sufficient bandwidth on the control plane to transmit control information at high frequencies. This prevents the starvation of data transmissions during periods of high control information transfers and also reduces the likelihood of further spreading of control information storms when one or more network devices in a network experience a failure (see page 4, paragraph 3).

Because Christensen et al. do not disclose a network device as recited in amended independent Claims 1, 13, 17, 19, 23, 28, 30, and 35, Applicants submit that the rejection of Claims 1-3, 8, 9, 10-12, 13, 15, 17-23, 25, 30, 31, and 33-35 under 35 U.S.C. 102(e) as being anticipated by Christensen et al. has now been overcome and respectfully request that this rejection be withdrawn.

**Rejection of Claims 1-34 Under 35 U.S.C. 102(e) – Ferguson et al.:**

Claims 1-34 stand rejected under 35 U.S.C. 102(e) as being anticipated by Ferguson et al. (U.S. Patent Application Publication No. 2002/0059424).

While Examiner has rejected Claims 1-34 as being anticipated by Ferguson et al., Applicants note that Examiner has not referred to Ferguson et al. as disclosing a telecommunications network device wherein the control path is independent from the data path, and wherein separate control path resources are dedicated to each of the plurality of distributed processors. Again, these features were originally found in dependent Claim 15 of the Application as filed, and on page 4, paragraph 3, of the Application as filed, and have now been incorporated into the independent claims. Advantageously, dedicating resources insures that each processor has sufficient bandwidth on the control plane to transmit control information at high frequencies. This prevents the starvation of data transmissions during periods of high control information transfers and also reduces the likelihood of further spreading of control information storms when one or more network devices in a network experience a failure (see page 4, paragraph 3).

Because Ferguson et al. do not disclose a network device as recited in amended independent Claims 1, 13, 17, 19, 23, 28, 30, and 35, Applicants submit that the rejection

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**Client Docket No.: 10.0815**

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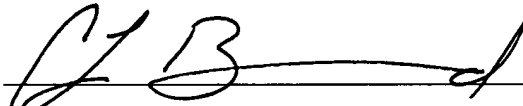
of Claims 1-34 under 35 U.S.C. 102(e) as being anticipated by Ferguson et al. has now been overcome and respectfully request that this rejection be withdrawn.

**CONCLUSION**

Applicants would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper (**indicating a 1-month extension of time for response**). However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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